

### **REMARKS**

Claim 1 is cancelled and claims 2 and 3 are amended. New claims 17 and 18 are added. Claims 8-15 stand withdrawn. No new matter is added by virtue of the within amendments; support therefore can be found throughout the specification and original claims of the application.

As an initial matter, Applicant appreciates the indication of allowable subject matter, i.e., that claim 16 is currently allowable over the prior art. It is believed that the within amendments place all claims under examination in condition for allowance.

Claims 1-7 are rejected under 35 USC §102(b) over Jennerwein et al. (J. Cancer Res Clin Oncol, 1988, pp. 347-358).

Without acquiescing to the grounds asserted for the rejection, it is believed to be obviated by the within amendments. In particular, claim 1 has been cancelled, and claims 2 and 3 are amended to further define the features of the invention. In particular, the transition metal therein is further defined to be selected from the group consisting of ruthenium, rhodium and iridium. In contrast, Jennerwein appears to disclose platinum complexes and alternately just the ligand (without a metal). Claim 6 has not been similarly amended since it is directed to a composition comprising the organic ligand and a metal species, wherein the metal species is bonded to 2 or 3 halogen groups, and 0 or 1 additional ligands. As such, the composition of claim 6 is already distinct from the composition of Jennerwein.

New dependent claim 17 recites a preferred listing of the transition metal-diamine complexes according to claim 3. New dependent claim 18 recites a preferred listing of the catalysts according to claim 6.

The cited reference does not teach or suggest the features of the present invention recited in claims 2-7 and 16-18 and cannot sustain the §102 rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

It is respectfully requested that the rejection be reconsidered and withdrawn.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

#### **FEE AUTHORIZATION**

It is believed that no fees are due. However if any fees are asserted to be due in connection this submission, they may be charged to our Deposit Account, No. 04-1105, Reference 66057(71526). Any overpayment should be credited to said Deposit Account.

Dated: April 13, 2009

Respectfully submitted,

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